

REMARKS

Claims 1-13, 16-26 are pending in the application. Claims 1, 18 and 21 are independent claims. Claims 1-13, 16-26 stand rejected.

Claim Rejections - 35 USC § 103

Claims 1-13 and 16-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al (US 6,519,629 B2), herein after "Harvey" in view of Kirmse et al. (Pub. No.: US 2005/0027382 A1), hereinafter "Kirmse".

Regarding claims 1 and 16, the examiner maintained that Harvey discloses a method for collaboratively executing an application (Harvey, Abstract).

establishing a communication from a first computing object to an intermediary system (Harvey, Col.1, lines 43-45, where server is intermediary) wherein the intermediary multicasts messages among the first computer and a plurality of other computing objects in communication with the intermediary ... wherein the first computing object and the plurality of other computing objects can communicate text message

Action, p. 3. The examiner indicated that Harvey also teaches:

transmitting a message by way of indicative of an invitation (Harvey, Col. 13, lines 14-17, where invitation message is sent to the users) to collaboratively execute an application from the first computing object to the intermediary system (Harvey, Col. 13, lines 31-37, *where module-175 is running on intermediary device collaboratively with other computing objects*) whereby the message is multicast to the other ones of the plurality of computing objects Harvey, Col.4, lines 54-57, where email transmitted to all the invited users which could be a multicast) and wherein each of the other ones of the plurality of computing objects launching a first application (Harvey, Col.4, lines 65-67 and Col.5, lines 1-2, *where user executes or launch the application*);

Action, pp. 3-4 (emphasis added). The examiner found that Harvey is silent on "transmitting a message in established communication network". For that aspect of the claim, the examiner cited to Kirmse and opined that Kirmse discloses, "transmitting a message in an established communication network" (Kirmse, paragraph [0005], where instant message program is used to send a message between buddies which is an established communication network, to facilitate joining an interactive game between themselves).

Even if the examiner's interpretation of Harvey and Kirmse are correct, Applicants have amended the claims to further clarify how the claims patentably define over Harvey and Kirmse. The claims as amended clarify the computing objects exchange messages in an existing communication network but also after the collaborative application is established by launching it on at least two computing objects, the computing objects then communicate with each other and bypass the intermediary. This distinction allows the service to facilitate the collaboration in the first instance but then does not require the service to intervene in the collaboration. Such a distinction is not found in Harvey or Kirmse.

Regarding claim 18, Applicants amended the claim to also require:

a second message comprising a network address of at least one other computing device simultaneously executing the multiparty application to which actions are transmitted related to the multiparty application to the at least one other computing device independent of the messaging system.

As partially indicated above with respect to claim 1, neither Harvey nor Kirmse teach or suggest providing a mechanism whereby multiple computing devices can leverage a messaging system to establish a collaborative application and then bypass the messaging system to collaboratively execute the application.

Regarding claim 21, the examiner found that Harvey in view of Kirmse rendered the claim obvious. Applicants have amended the claim to further clarify how claim 21 patentably defines over Harvey in view of Kirmse. As indicated above, neither Harvey nor Kirmse teach or suggest providing a mechanism whereby multiple computing devices can leverage a messaging system to establish a collaborative application and then bypass the messaging system to collaboratively execute the application. Applicants have also amended claim 21 to add a similar limitation. As such claim 21 also patentably defines over Harvey in view of Kirmse for at least the reasons stated above.

Inasmuch as claims 2-13 and 17, 19-20 and 22-26 depend from and thereby incorporate the limitations of their respective independent claims, Applicants submit that they also patentably define over the art of record for at least the same reasons as described above.

DOCKET NO.: MSFT-2827/305859.01
Application No.: 10/691,922
Office Action Dated: November 16, 2007

PATENT

CONCLUSION

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants' representative.

Date: February 19, 2008

/Michael D. Stein/
Michael D. Stein
Registration No. 34,734

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439